



The Federal Government & ADR: Lessons Learned

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Scope

- Legal disputes
- Public policy disputes
- Internal conflict
- External conflict
- Capacity building



Legal Disputes

- Subject matter:

- ☐ Employment & labor
- ☐ Contracts
- ☐ Civil enforcement / regulatory

- Processes:

- ☐ Mediation*
- ☐ Arbitration
- ☐ Hybrids



Public Policy Disputes

- Negotiated rulemaking
- Facilitated multi-party discussions



Internal Conflict (Workplace)

- Group facilitation
- Pre-dispute mediation
- Workplace ombudsmen



External Conflict (Clients and Contractors)

- Public Ombudsmen
- Partnering (construction)
- Dispute Review Boards (construction)



Capacity Building

- Training

- Conflict resolution

- Communication

- Diversity

- Coaching

Trend toward “Conflict Management”

Resolve
crystallized
disputes



Promote
interest-based
problem-solving

Reactive

Proactive



Genesis of Programs

- Response to crisis
- Top down
- Legislation
- Incremental
- Compliance



Initial Challenges

- Universal: resistance to change
 - Fear of unknown
 - Treading in place
- Governmental: no “bottom line”
 - Unclear goals
 - Funding restrictions



Coping Strategies

- Leverage internal resources
 - Mediators
 - Facilitators
 - Trainers
 - Coaches
 - Consultants
- Leverage low-cost private resources
 - Non-profits
 - Academics



Best Practices

- Breed success from success
 - *Why should I listen to you?*
- Evaluate
 - *Why should I believe you?*
- Connect ADR to agency mission
 - *What's in it for us?*
- Connect ADR to concrete problems
 - *What's in it for me?*



Keep Moving Forward

- Revitalize existing programs
- Embrace new technology
- Look for the “pain”
- View all change as opportunity